

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Sace Maximus Fidelis

Docket No. 7:09-M-1156-1

Petition for Action on Probation

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Sace Maximus Fidelis, who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating NCGS 20-138.1, Driving While Impaired, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on February 9, 2010, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in any drug/alcohol program as recommended by the supervising probation officer.
2. The defendant shall perform 48 hours of community service as directed by the probation office, and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the the date of this judgment and complete any prescribed treatment program. There defendant must pay the assessment fee and any added treatment fees that may be charged by the facility. If the assessment previously obtained is accepted by probation, then this requirement is waived.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles, and not operate a motor vehicle on the highways of the state of North Carolina except in accordance with the terms and conditions of limited driving privilege issued by the appropriate North Carolina Judicial Official.
5. The defendant shall pay a fine of \$300 and a Special Assessment of \$10, during the term of probation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Following sentencing, the offender's supervision was transferred to Charlotte, NC, where he has been supervised by Senior U.S. Probation Officer Brian Hopkins. USPO Hopkins reported the offender incurred a new law violation on February 12, 2010, when he was charged by the

Sace Maximus Fidelis
Docket No. 7:09-M-1156-1
Petition For Action
Page 2

Kannapolis, NC, Police Department with Driving While Impaired, Speeding 67/55, and Driving While License Revoked. At the time of his arrest, Fidelis refused to submit to a breathalyser, but submitted a blood sample to determine his blood alcohol content. Aside from this law violation, USPO Hopkins reports Fidelis has been compliant with the conditions of probation, and has completed one 28 day inpatient program, and is currently involved in an ongoing outpatient alcohol treatment program.

On December 9, 2010, USPO Hopkins reported Fidelis was convicted of Driving While Impaired and the court imposed a 2 year term of imprisonment suspended, 36 months probation under the standard conditions of probation and special conditions requiring Fidelis to serve 20 days in jail, pay a \$2,000 fine, and \$968 costs of court. On January 7, 2011, Fidelis reported to the Mecklenburg County jail and was released on January 27, 2011. In light of the sentence Fidelis received in state court, and his ongoing participation in outpatient alcohol treatment, USPO Hopkins has recommended Fidelis be continued on probation, and the term of supervision extended two years. We concur with this recommendation and ask the court to consider the proposed modification. The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

That the term of supervision be extended 24 months from the expiration date of February 8, 2011, until February 8, 2013.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

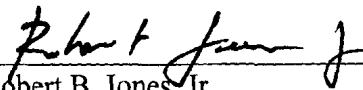
/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: (910) 815-4857
Executed On: February 2, 2011

Sace Maximus Fidelis
Docket No. 7:09-M-1156-1
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 31 day of February, 2011, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge